

HOUSE No. 2162

The Commonwealth of Massachusetts

PRESENTED BY:

Theodore C. Speliotis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to smoking near public buildings and workplaces.

PETITION OF:

NAME:

Theodore C. Speliotis

DISTRICT/ADDRESS:

13th Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2250 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO SMOKING NEAR PUBLIC BUILDINGS AND WORKPLACES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 270 of the General Laws as appearing in the 2004 Official Edition, is hereby amended by
2 inserting after section 22 the following section:-

3 Section 22A. Smoking is prohibited within a presumptively reasonable minimum distance of twenty-five feet from
4 entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited
5 so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.
6 Owners, operators, managers, employers, or other persons who control a public building or workplace may seek to
7 rebut the presumption that twenty-five feet is a reasonable minimum distance by making application to the director
8 of the local health department or district in which the public place or workplace is located. The presumption will be
9 rebutted if the applicant can show by clear and convincing evidence that, given the unique circumstances presented
10 by the location of entrances, exits, windows that open, ventilation intakes, or other factors, smoke will not infiltrate
11 or reach the entrances, exits, open windows, or ventilation intakes or enter into such public building or workplace
12 and, therefore, the public health and safety will adequately be protected by a lesser distance.

13 Owners, or in the case of a leased or rented space the lessee or other person in charge, of a place shall prohibit
14 smoking as appropriate under this section. Signs shall be posted conspicuously at each building entrance. When
15 violations occur, a warning shall first be given to the owner or other person in charge. Any subsequent violation is
16 subject to a civil fine of up to one hundred dollars. Each day upon which a violation occurs or is permitted to
17 continue constitutes a separate violation.

18 Any person intentionally violating this section by smoking near a public building or workplace, or any person
19 removing, defacing, or destroying a sign required by this section will be subject to a civil fine of up to one hundred
20 dollars. Any person passing by or through a public building or workplace while on a public sidewalk or public right
21 of way will not be in violation. Local law enforcement agencies shall enforce this section.